

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	Criminal No. 3:18-CR-345-D(1)
	§	
ANDREW KASNETZ,	§	
	§	
Defendant.	§	

ORDER

I

Defendant's November 23, 2020 unopposed motion to continue trial and pretrial deadlines is granted, and the trial of this case is reset to Monday, July 26, 2021 at 9:00 a.m. Pretrial filings (e.g., witness and exhibit lists) based on the current trial setting are now due based on the new trial setting. Pretrial motions are now due no later than June 21, 2021.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the court can grant an "ends of justice" continuance at the request of a defendant or defendant's attorney if the court does so on the basis of the finding "that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." *Id.* One of the factors the court may consider in granting an "ends of justice" continuance is "[w]hether the failure to grant such a continuance . . . would deny counsel for the defendant . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." § 3161(h)(7)(B)(iv).

For the reasons set out in defendant's motion, the court finds that (1) the ends of justice served by the granting of a trial continuance outweigh the best interests of the public and the defendant in a speedy trial; (2) the failure to grant a continuance in this case would deny defendant's

counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence; and (3) taking into account the exercise of due diligence by defense counsel, a continuance of the duration granted by this order is necessary for effective preparation by defense counsel.

II

I took senior status on September 22, 2018 and have not been in the criminal draw since. It was my intention to retain all criminal cases then on my docket rather than transfer any of them. The continuance requested in this case, however, of 180 days places the new trial date on July 26, 2021 (180 days from January 25, 2021 is Saturday, July 24, 2021, and the next business day is Monday, July 26, 2021). This date approaches three years after I took senior status and would interfere with scheduling priorities that assumed that my responsibilities for trying criminal cases would already have been completed.

Accordingly, I request that this case be reassigned to a district judge who is accepting the assignment of Dallas Division criminal cases.

SO ORDERED.

November 30, 2020.


SIDNEY A. FITZWATER
SENIOR JUDGE